

AMENDED IN ASSEMBLY APRIL 26, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 801

Introduced by Assembly Member Walters

February 22, 2007

An act to amend Section 5201 of, and to add Section 40000.27 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 801, as amended, Walters. Vehicles: license plates.

(1) Existing law prohibits the use of a device that obstructs or impairs the reading or recognition of a license plate by a remote emission sensing device. A violation of this provision is a crime.

This bill would, prohibit the use of a device that would obstruct or impair the reading or recognition of a license plate by an electronic device operated *by state or local law enforcement*, in connection with a toll road, creating a new crime, thereby imposing a state-mandated local program.

This bill would provide that a person who sells ~~or advertises for sale~~ a product or device that obscures or is intended to obscure the reading or recognition of a license plate is guilty of a misdemeanor creating a new crime, thereby imposing a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 5201 of the Vehicle Code is amended to read:

5201. License plates shall at all times be securely fastened to the vehicle for which they are issued so as to prevent the plates from swinging, shall be mounted in a position so as to be clearly visible, and shall be maintained in a condition so as to be clearly legible. The rear license plate shall be mounted not less than 12 inches nor more than 60 inches from the ground, and the front license plate shall be mounted not more than 60 inches from the ground, except as follows:

(a) The rear license plate on a tow truck may be mounted on the left-hand side of the mast assembly at the rear of the cab of the vehicle, not less than 12 inches nor more than 90 inches from the ground.

(b) The rear license plate on a tank vehicle hauling hazardous waste, as defined in Section 25117 of the Health and Safety Code, or asphalt material may be mounted not less than 12 inches nor more than 90 inches from the ground.

(c) The rear license plate on a truck tractor may be mounted at the rear of the cab of the vehicle, but not less than 12 inches nor more than 90 inches from the ground.

(d) The rear license plate of a vehicle designed by the manufacturer for the collection and transportation of garbage, rubbish, or refuse that is used regularly for the collection and transportation of that material by any person or governmental entity employed to collect, transport, and dispose of garbage, rubbish, or refuse may be mounted not less than 12 inches nor more than 90 inches from the ground.

(e) The rear license plate on a two-axle livestock trailer may be mounted 12 inches or more, but not more than 90 inches, from the ground.

(f) No covering may be used on license plates except as follows:

(1) The installation of a cover over a lawfully parked vehicle to protect it from the weather and the elements does not constitute a violation of this subdivision. Any peace officer or other regularly salaried employee of a public agency designated to enforce laws, including local ordinances, relating to the parking of vehicles may

1 temporarily remove so much of the cover as is necessary to inspect
2 any license plate, tab, or indicia of registration on a vehicle.

3 (2) The installation of a license plate security cover is not a
4 violation of this subdivision if the device does not obstruct or
5 impair the recognition of the license plate information, including,
6 but not limited to, the issuing state, license plate number, and
7 registration tabs, and the cover is limited to the area directly over
8 the top of the registration tabs. No portion of a license plate security
9 cover shall rest over the license plate number.

10 (g) ~~No~~A casing, shield, frame, border, product, or other device
11 that obstructs or impairs the reading or recognition of a license
12 plate by an electronic device operated *by state or local law*
13 *enforcement* in connection with a toll road, or a remote emission
14 sensing device, as specified in Sections 44081 and 44081.6 of the
15 Health and Safety Code, shall *not* be installed on, or affixed to, a
16 vehicle.

17 (h) (1) It is the Legislature's intent that an accommodation be
18 made to persons with disabilities and to those persons who
19 regularly transport persons with disabilities, to allow the removal
20 and relocation of wheelchair lifts and wheelchair carriers without
21 the necessity of removing and reattaching the vehicle's rear license
22 plate. Therefore, it is not a violation of this section if the reading
23 or recognition of a rear license plate is obstructed or impaired by
24 a wheelchair lift or wheelchair carrier and all of the following
25 requirements are met:

26 (A) The owner of the vehicle has been issued a special
27 identification license plate pursuant to Section 5007, or the person
28 using the wheelchair that is carried on the vehicle has been issued
29 a distinguishing placard under Section 22511.55.

30 (B) (i) The operator of the vehicle displays a decal, designed
31 and issued by the department, that contains the license plate number
32 assigned to the vehicle transporting the wheelchair.

33 (ii) The decal is displayed on the rear window of the vehicle,
34 in a location determined by the department, in consultation with
35 the Department of the California Highway Patrol, so as to be clearly
36 visible to law enforcement.

37 (2) Notwithstanding any other provision of law, if a decal is
38 displayed pursuant to this subdivision, the requirements of this
39 code that require the illumination of the license plate and the
40 license plate number do not apply.

1 (3) The department shall adopt regulations governing the
2 procedures for accepting and approving applications for decals,
3 and issuing decals, authorized by this subdivision.

4 (4) This subdivision does not apply to a front license plate.

5 SEC. 2. Section 40000.27 is added to the Vehicle Code, to
6 read:

7 40000.27. A person who sells ~~or advertises for sale~~ a product
8 or device that obscures, or is intended to obscure, the reading or
9 recognition of a license plate pursuant to subdivision (g) of Section
10 5201 is guilty of a misdemeanor.

11 SEC. 3. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 the only costs that may be incurred by a local agency or school
14 district will be incurred because this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the penalty
16 for a crime or infraction, within the meaning of Section 17556 of
17 the Government Code, or changes the definition of a crime within
18 the meaning of Section 6 of Article XIII B of the California
19 Constitution.